



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO.ADC 8330-14

AGENCY DKT. NO. SADC ID #1446

**IN THE MATTER OF DAVID AND DIANE FISH,
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD.**

Anthony T. Colasanti, Esq., for appellant (Law Office of Anthony Colasanti,
attorney)

W. Randall Bush, Assistant Counsel, for respondent (Daniel O'Mullan, Morris
County Counsel)

Joseph Bell, Esq., for Florham Park, (Bell, Shivas, and Fasolo, attorneys)

Record Closed: October 6, 2014

Decided: October 7, 2014

BEFORE TIFFANY M. WILLIAMS, ALJ:

This matter was transmitted to the Office of Administrative Law by the State Agriculture Development Committee for determination as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

The parties have agreed to an amicable resolution of the matters and submitted the attached Settlement Agreement. Having reviewed the record and the settlement terms, I **FIND** as follows:

1. The parties have voluntarily agreed to the settlement as evidenced by their signatures or the signatures of their representatives.
2. The settlement fully disposes of all issues in controversy and is consistent with the law.

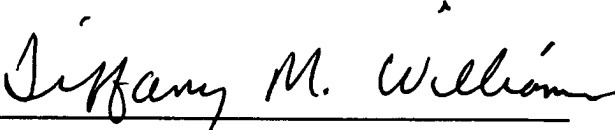
Therefore, I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and that the settlement should be approved. Accordingly, it is **ORDERED** that the parties comply with the terms of the settlement, and it is **FURTHER ORDERED** that the proceedings in this matter be concluded.

I hereby **FILE** my initial decision with the **STATE AGRICULTURE DEVELOPMENT COMMITTEE**, for consideration.

This recommended decision may be adopted, modified or rejected by the **STATE AGRICULTURE DEVELOPMENT COMMITTEE**, which by law is authorized to make a final decision in this matter. If the **STATE AGRICULTURE DEVELOPMENT COMMITTEE** does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

October 7, 2014

DATE



TIFFANY M. WILLIAMS, ALJ

Date Received at Agency:

Date Mailed to Parties:

/rr

ADC Re. (1) 08330-2014

10/6/14

- We parties to the within Action Agree to the following To settle all issues As to the above of 2000 words

1) Appellants shall limit the number of cows maintained on the subject farm to seven at any given time. Still a calf be born to one of the seven cows Appellants shall have twelve months from date of birth to remove return the herd to seven (7) cows.

2) Appellants shall increase their personnel and provide name & phone number to Boroph officials.

3) Shore up and improve fencing in Area where cows left alone

(2)

4) Perimeter of fence
shall inspect the
perimeter fencing
within thirty (30) days
and provide notice
of short, wildlife signs
improvement.

And locks
(5) Alarm shall be
installed at entrances
to farm to alert owner
should third party
enter the farm.

(6) Existing CCTV camera
monitoring shall be improved
so as to monitor the
entire perimeter farm fencing

(7) Twice daily except
Fridays, Diane Fish or
John Employee shall
conduct physical inspection
of perimeter fencing to
ensure integrity & standards
of fencing & cameras
monitoring shall be viewed
once each day

(3)

8) Should Boyle
Official determine
that zoning cannot
operate or existing applicants
shall make reports
within 30 days -

9) - All future issues
generated from this
agreement as to
farm operation to
shall be resolved
at Boyle Municipal Council

10) Applicant shall withdraw appeal
within 30 days of denial
City of Clare 10/6/14

Handwritten 10/6/14
Harris County Agriculture Development Board.

Ben Shivers + Jason
10/6/14

Typed version of handwritten settlement agreement

In the Matter of David and Diane Fish, Morris County Agriculture Development Board, OAL Dkt. No. ADC 08330-14, SADC ID #1446

Prepared by: Brian D. Smith, Esq.

Re:
08330-2014

10/06/14

The parties to the within action agree to the following to settle all issues as to the above referenced matter

- 1) Appellants shall limit the number of cows maintained on the subject farm to seven at any given time. Shall a calf be born to one of the seven cows Appellants shall have twelve months from date of birth to return the herd to seven (7) cows.
- 2) Appellants shall increase farm personnel and provide the name & phone number to Borough Officials.
- 3) Shore up and improve fencing in area where cows left farm
- 4) Borough officials shall inspect the perimeter fencing within thirty (30) days and provide notice of areas which require improvement.
- 5) Alarms and locks shall be installed at entrances to farm to alert owner should third parties enter the farm.
- 6) Existing camera monitoring shall be improved so as to monitor the entire perimeter farm fencing.

7) Twice daily except Fridays Diane Fish or farm employees shall conduct physical inspection of perimeter fencing to insure integrity & soundness of fencing & camera monitoring shall be viewed once each week.

8) Should Borough official determine fencing require repair or shoring Appellants shall make repairs within thirty days.

9) All future issues generated from this agreement or as to farm operation shall be resolved at Borough municipal court.

10) Appellants shall withdraw appeal & municipal action dismissed

Signed [all on 10/06/2014]:

Anthony J. Colasanti [attorney for Fish]

W. Randall Bush [attorney for Morris CADB]

Joseph J. Bell [attorney for Florham Park borough]